



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,478	07/25/2001	Allan Michael De Souza	NL 000440	5124

24737 7590 08/22/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BUCKLEY, DENISE J

ART UNIT	PAPER NUMBER
----------	--------------

3641

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .		Applicant(s)	
	09/912,478		DE SOUZA, ALLAN MICHAEL	
	Examiner		Art Unit	
	Ms . Buckley		3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

Claim Rejections - 35 USC § 112

1. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention
2. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
3. In regard to claim 1, lines 2-4 are confusing and unclear. Even when simplifying the phrase by using generic element names, the phrase is unclear. As shown by example, the examiner interprets these lines as stating "a user to select a company from a set of goods (items) of offerings by company, receiving a selection of a company from the set", where the content provider is analogous to a company, and representations is analogous to consumer goods. When putting the analogies into the phrase, the phrase is not grammatically correct and is very unclear.
4. In claim 6, it is not clear the way the claim is written and formatted, whether "an arrangement for access to a consumer device" is stating an arrangement is a consumer device and a gateway system, or an arrangement is a gateway system. Please clarify.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1,3,4,6-9,11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Howe et al.(5818438). Howe et al discloses a system and method for providing television services with an interactive server (5 or video service provider, 1, providing access to a consumer device) which is capable of providing requested interactive video services (1 or 5) to a set of subscribers (70,users) having televisions (80) in a given area which are coupled to a network via set up boxes (100, or distribution system 66, see column 11, 1st paragraph) coupled to the network, where the content providers are coupled to the interactive server via the network (providing access to the consumer device), see abstract and figure 1. Content providers (A..N,41-44) are responsible for providing interactive applications (programs, applications, representations), see column 7, lines 1-49, and claim 27. Transcoding the transmission to a format suitable for the consumer is stated in column 20, line 60 through column 22, line 52 and figure 8.

with respect to claim 6, refer to claim 27 of the reference and figures 1, 6 and 8.

Art Unit: 3641

7. Claims 1-4 and 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Dassault Automatismes (FR 794601 A). Refer to figures 1,5; the abstract; page 2, line 11 to the top of page 3, line 26; page 4, line 21 to the top of page 5, line 11; page 6, line 37 to the top of page 7, line 2; page 7, lines 24-26; page 7, line 33 to the top of page 8, line 5; page 10, line 32 to the top of page 11, line 2; page 11, lines 12-35; page 16, line 12 to the top of page 17, line 29; and claims 1-3,5,6,9,13-16.

8. Claims 1-4, 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (WO 00/05889). Refer to the front page, summary of invention section and the drawings.

9. Claims 1-4,6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Knee et al. (WO 96/41478).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. in view of Graber et al. (5812769) Howe et al is discussed above showing the technical aspect of the system. However, they do not disclose the financial/business aspect of a registration form for facilitating a subscription for the user to the selected content provider, or a referral fee from the provider after arranging the access to the consumer device. Graber et al. teaches method and apparatus of

redirecting a user from a first location or co-marketer CM (interactive server) to a second location or on-line service provider OLS (content provider) using the Internet network. In figures 2 and 4, shows the business aspect of using a registration form (or enrolling the user, 240) for facilitating a subscription for the user to the selected content provider (block 205), and figure 7 shows referral fee (or bounty, 770) from the provider (OLS) after arranging the access to the consumer device (or co-marketer), see column 9, 1st and 2nd paragraph, especially lines 27 - 30. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the financial/ business aspect of registration and referral fees of Graber et al. with the system and method for providing television service of Howe et al. in order to verify credit of a user (see figure 2 of Graber et al.) and maximize users for a business (column 14, 1st and 2nd paragraph of Graber et al.).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Bezos et al., and Hortsman et al. are cited to show referral fee transactions for computer services rendered on the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Buckley whose telephone number is 703-305-0041. The examiner can normally be reached on Tues-Thurs 10-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/912,478
Art Unit: 3641

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4180.



DJB
August 15, 2003

